

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

NO.: 7:13-MJ-1035-RJ-1

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|---------------------------------|---|--------------|
| UNITED STATES OF AMERICA |) | |
| |) | |
| v. |) | |
| |) | <u>ORDER</u> |
| CHANTEI NICOLE FERRELL, |) | |
| a/k/a CHANTEI MICHELLE FERRELL, |) | |
| |) | |
| Defendant. |) | |

Defendant has moved for early termination of her probation imposed by this court in its judgment of October 2, 2013, upon Defendant's conviction following her plea of guilty to one count of misdemeanor larceny of government property in violation of N.C. Gen. Stat. § 14-107, as assimilated under 18 U.S.C. § 13. [DE-6 & 10]. As part of the court's judgment, Defendant was ordered to pay a fine, assessment and restitution and was placed on probation for a period of 24 months. [DE-6]. The court directed further that Defendant's probation may terminate upon payment of the fine and restitution. *Id.* (emphasis added). The United States Attorney does not oppose Defendant's motion to terminate her probation.

Title 18 section 3564 provides in relevant part that:

[t]he court, after considering the factors set forth in section 3553(a) to the extent they are applicable, may, pursuant to the provisions of the Federal Rules of Criminal Procedure relating to the modification of probation, terminate a term of probation previously ordered and discharge the defendant at any time in the case of a misdemeanor. . . , if it is satisfied that such action is warranted by the conduct of the defendant and the interest of justice.

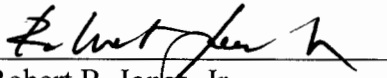
18 U.S.C. § 3564(c).

After entry of the court's judgment and placement of Defendant on probation, on March 24, 2014, upon petition by the United States Probation Office and Defendant's waiver of a

hearing, this court modified Defendant's probation to include a requirement that she submit to a program for the treatment of narcotic addiction, after having tested positive for marijuana use following a surprise urinalysis on March 12, 2014. [DE-9]. According to the petition, when confronted Defendant admitted to using marijuana. *Id.* Defendant has moved for early termination of her probation barely a month after the court's modification of her probation upon her admitted use of marijuana.

While it appears Defendant has paid the fine and restitution as ordered by the court in its judgment, in light of the court's recent modification to Defendant's term of probation, the court finds early termination of Defendant's probation is not warranted by Defendant's conduct nor the interest of justice. *See* 18 U.S.C. § 3564(c). Accordingly, Defendant's motion for early termination of probation is denied at this time.

So ordered, the 5th day of May 2014.


Robert B. Jones, Jr.
United States Magistrate Judge